

**CITY OF BELFAST PLANNING BOARD
PUBLIC HEARING - WEDNESDAY, DECEMBER 4, 2019
6:00 PM UNIVERSITY OF MAINE HUTCHINSON CENTER
PROPOSED AMENDMENTS TO BELFAST CODE OF ORDINANCES
CHAPTER 82, SHORELAND
AMENDMENTS REGARDING SOLAR ENERGY SYSTEMS**

INTRODUCTION

The City of Belfast Planning Board is proposing amendments to the following Chapters in the City Code of Ordinances to establish standards to regulate the design, installation, operation, maintenance and abandonment of solar energy systems in the City:

- Chapter 66, General Provisions - Proposed establishment of new definitions regarding solar energy systems.
- Chapter 82, Shoreland - Amendments identify Shoreland Districts in which a solar energy system would be permitted and the Shoreland standards that would apply to said systems.
- Chapter 102, Zoning - Amendments identify Zoning Districts in which a solar energy system would be permitted and the standards that would apply to said systems.

The standards identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 9, Solar Energy Systems, are the primary standards that apply to any solar energy system. The standards identified in Chapter 82, Shoreland, apply only to a solar energy system that is located in the Shoreland Zone; reference Official Shoreland Map for City of Belfast.

The proposed standards would apply to all sizes of solar energy systems in Belfast; ranging from a system installed by a homeowner on the roof of their house to a commercial system that is 20 acres or greater in size. The City anticipates that most systems proposed to be located in the Shoreland Zone would be residential scale systems installed by a homeowner. This is mostly because some Shoreland Zoning regulations would make it difficult to locate a large commercial system in most shoreland areas. The City also proposes to implement many requirements for installing a solar energy system in a Shoreland Zone through the Article VIII, Division 8, Solar Energy System standards identified in Chapter 102, Zoning.

CITY PROCESS TO REVIEW ORDINANCE AMENDMENTS

The Planning Board is conducting a public hearing on the proposed Ordinance amendments associated with Solar Energy Systems at its meeting of Wednesday, December 4, 2019 beginning at 6:00 pm at the University of Maine Hutchinson Center. The purpose of the hearing is to obtain comment from persons who may be affected by the proposed amendments. The Planning Board will be accepting comment in any of the following three ways:

- 1) Oral comment presented to the Board at the December 4 public hearing. Oral comment should be limited to 4 minutes.
- 2) Written comment. Written comment should be sent to City of Belfast, Code and Planning Department, 131 Church St, Belfast, Maine, 04915. Written comment should be submitted to the Department no later than 2:00 pm on December 4.

- 3) Email comment. Email comment should be submitted to wmarshall@cityofbelfast.org, and should be submitted no later than 2:00 pm on December 4.

The Planning Board, at the conclusion of the hearing, will review the Ordinance amendments and will decide how to proceed. The role of the Board is to offer a recommendation on the proposed amendments to the City Council. The Board does not have the authority to adopt the amendments and have such become part of City Ordinances.

If the Planning Board supports the proposed amendments, the City's current approach is to submit the amendments to the City Council at their meeting of Tuesday, December 17 for First Reading and public hearing. The Council is tentatively scheduled to conduct the Second Reading and public hearing of the amendments at its meeting of January 7, 2019. At the conclusion of the Second Reading and public hearing the Council has the authority to adopt, reject or revise the proposed amendments.

FORMAT OF ORDINANCE AMENDMENTS

All language proposed to be added to the Ordinance is shown in black underlined font. All language shown simply in black font is existing language in the Ordinance. Text **identified in Green Font** is additional information to the public to help explain a provision in the Ordinance. Text identified in **Green Font** is not part of the final Ordinance amendments that would be adopted by the City. The Ordinance amendment only identifies language in Chapter 82, Shoreland, that is proposed to be amended.

TEXT OF PROPOSED AMENDMENTS
CHAPTER 82, SHORELAND

ARTICLE IV, DISTRICTS

Sec. 82-135 Table of Land Uses (Note: Reference attached Shoreland Map for the location of the Shoreland Districts identified in the following Table of Uses.)

TABLE 1. LAND USES IN THE SHORELAND ZONE

Land Uses	Districts								
	SP	SD	RP	LR	UR	GDI	WD	MHC	
<u>(44) Solar Energy System, Small</u>	<u>NO</u>	<u>CEO</u>	<u>NO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	
<u>(45) Solar Energy System, Medium</u>	<u>NO</u>	<u>PB</u>	<u>NO</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	
<u>(46) Solar Energy System, Large</u>	<u>NO</u>	<u>PB</u>	<u>NO</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	

ARTICLE V, LAND USE STANDARDS

DIVISION 19. Solar Energy Systems.

- (a) A request to install a solar energy system in any Shoreland District must comply with standards identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 9, Solar Energy Systems, and the Shoreland standards in this Division.
- (b) Minimum setback requirements for a solar energy system located in a Shoreland Zoning District.
 - (1) A roof-mounted solar energy system, regardless if the structure on which the system is located is a conforming or nonconforming structure with respect to minimum structure setback requirements identified in Division 3, Structures, of this Article, does not need to comply with minimum structure setback requirements.
 - (2) A roof-mounted solar energy system shall be a permitted use in both the Resource Protection and Stream Protection Districts, if an existing structure is considered a legally established nonconforming use, or in the case of the Resource Protection

District, if the use is permitted pursuant to Section 82-57, Special Exception, Resource Protection District.

(3) A ground-mounted solar energy system that is a permitted use in a designated Shoreland Zoning District, subject to the exception identified in (4) below, shall comply with the minimum structure setback requirement identified for the respective Shoreland Zoning District; reference Division 3, Structures, of this Article.

(4) A ground-mounted small solar energy system for a permitted residential use in a designated Shoreland Zoning District may be granted an exception to locate a ground-mounted solar energy system within the structure setback area provided all of the following standards are satisfied:

a. The area in which the ground-mounted system is proposed is a legally existing cleared area (such as a cleared lawn), and any additional vegetation removal that is necessary to locate the system shall comply with vegetation cutting standards in Division 12 of this Article.

b. The size of the solar energy system that is installed shall be limited in its design to the energy needs of the use on the property, and any sale of energy to the power grid must be limited to the incidental excess power generation of the installed system.

c. The applicant for the exception identified in this Section must demonstrate to the satisfaction of the Code Enforcement Officer that the existing cleared area is the most practical area on the property to install a small ground-mounted solar energy system.

d. No portion of the solar energy system shall be located in an area that is designated as a V, VE, AE or AO zone pursuant to the Official Flood Maps for the City; reference Chapter 78, Floods.

e. A nonresidential use shall not qualify for this exception.

(c) Maximum Lot Coverage standards for solar energy systems in a Shoreland Zoning District.

A ground-mounted solar energy system shall comply with the maximum lot coverage (impervious surface ratio) standards identified in Section 82-201. Only the paved, mounting block, or otherwise impervious areas of sites on which a ground-mounted solar energy system is installed shall be counted in the lot coverage calculation.

(d) Vegetation Cutting standards for solar energy systems in a Shoreland Zoning District.

The installation of any ground-mounted solar energy system shall comply with the vegetation cutting and clearing standards identified in Section 82-393.

(e) Height of a solar energy system.

- (1) A roof-mounted solar energy system shall not be considered in determining the maximum height of a structure.
- (2) A ground-mounted solar energy system shall not exceed sixteen (16) feet in height when the system is at maximum tilt.

Effective Date of Ordinance Amendment.

The City of Belfast City Council adopted this Ordinance at its meeting of -----, 2020, and established that the effective date of these amendments shall be retroactive to January 1, 2020.